

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 143 OF 2016

KACHRABAI SHANTABAI RAOSAHEB GHODKE
VERSUS
CHABU TRIMBAK ZENDE

...
Advocate for Petitioner : Shri D.R.Markad h/f Shri A.Y. Pandule

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 14, 2017
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PER COURT :-

1. None appeared for the parties on 6.6.2017. Matter was posted today for dismissal. Learned counsel for the petitioner has appeared. Learned counsel for the sole respondent is absent.

2. Learned counsel for the petitioner submits, on instructions, that considering the impugned order dated 31.10.2015, by which his application Exhibit 19 filed for amending his plaint in RCS No.461 of 2014, has been rejected, he would prefer to withdraw this petition and file an application with proper pleadings for seeking amendment under Order VI Rule 17 of the CPC.

3. I find from the impugned order and especially in paragraph No.5 that the trial Court had rejected Exhibit 19 only for the reason that the proposed amendment is not mentioned and the details about the amendment sought are lacking in the said application. The trial Court

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has concluded that though the plaint deserves to be amended, Exhibit 19 is being rejected only because the proposed amendment is not mentioned in the application.

4. Considering the above, this petition is disposed off as withdrawn with liberty to the petitioner to file a proper application setting out all the details and the proposed amendment.

(RAVINDRA V. GHUGE, J.)

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